



## TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

### MEETING INFORMATION

Date Submitted: December 5, 2014

Date of Meeting: December 18, 2014

Submitted by: Parks and Recreation Director Matt

Casparius

Department: Parks & Recreation

Time Required: 30 minutes

Speakers: Matt Casparius

Background Info.

Supplied:

Yes: ☒ No: ☐

### CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment: ☐

Recognition/Resignation/

Retirement: ☐

**Public Hearing:** ☐

Old Business: ☒

New Business: ☐

Consent Agenda: ☐

Nonpublic: ☐

Other: ☐

### TITLE OF ITEM

Parks and Recreation Committee Bylaws

### DESCRIPTION OF ITEM

The Town Council will revisit the Parks and Recreation Committee Bylaws as discussed at the August 21, 2014 Town Council meeting.

### REFERENCE (IF KNOWN)

RSA:

Warrant Article: \_\_\_\_\_

Charter Article:

Town Meeting: \_\_\_\_\_

Other:

N/A

### EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector: ☐

Grant Requirements: ☐

Easel: ☐

Joint Meeting: ☐

Special Seating: ☐

Other: ☐

Laptop: ☐

None: ☐

### CONTACT INFORMATION

Name: **Matt Casparius**

Address

**116 Naticook Road**

Phone Number **882-1046**

Email Address

**mcasparius@merrimacknh.gov**

### APPROVAL

Town Manager:

Yes ☒ No: ☐

Chair/Vice Chair:

Yes ☐ No: ☐



## **By-Laws of the Merrimack Parks and Recreation Committee**

### **Article I. Name, Purpose, Functions and Policy:**

#### **Section 1—Name**

The name of this Committee shall be the Parks and Recreation Committee of Merrimack, New Hampshire, hereafter referred to as the Committee.

#### **Section 2 –Purpose**

The Committee shall function as a standing Committee, working in an advisory capacity to the Director of Parks & Recreation and to the Town Manager. The Committee shall study, advise and recommend to the Director and Manager on matters of policy pertaining to the Parks and Recreation Department. The Committee shall report to the Town Council as a whole, either through themselves or the Director of Parks & Recreation Manager, relative to any studies, with their recommendations as requested by the Town Council.

#### **Section 3—Function**

The Committee shall perform the following functions:

- A. Serve as the advisory board to the Manager and Town Council.
- B. Recommend the utilization of all town recreation property.
- C. Formulate or cause to be formulated a town recreation master plan.
- D. Assist in providing recreation programs for the citizens of Merrimack
- E. Suggest to the Parks & Recreation Director items related to the annual budget and related programs in order of urgency and priority. Review the annual budget and related programs to be submitted to the Town Manager at such time as may be required.
- F. Recommend the acquisition and development of recreation property.
- G. Post all meetings of the Committee and keep minutes in accordance with the state law.
- H. Cooperate with private groups and public officials in the development and promotion of recreation property.
- I. Perform all other related functions as required.

#### **Section 4—Policy**

The policy of the Committee shall be to cooperate with private groups and public officials in the development and promotion of recreation properties and programs.





## **Article II-- Membership**

### **Section 1—Members and Terms**

There shall be a Parks and Recreation Committee consisting of ~~ten (10) twelve (12)~~ residents of The Town of Merrimack. The Town Council shall appoint ~~six (6) seven (7)~~ members of the Committee for three year terms ~~and two (2) alternates~~ who will serve for a period of three (3) years each. One (1) Town Council member shall be appointed annually to serve as an ex officio member. In addition, ~~three (3) four (4)~~ members shall be recommended from Merrimack organizations. There shall be one (1) voting member from each of the following organizations: the Merrimack Youth Association (MYA), the Senior Citizen Club, and the School Board. ~~Each of the 3 organizations may also select an alternate member, and a representative from the Merrimack High School student body.~~ Such organization members shall be recommended by their organization and, if approved by the Town Council, they shall be appointed for a one (1) year term. Vacancies of Town Council appointed members shall be filled by appointment of the Town Council for the unexpired term. Vacancies of the other members shall be filled by recommendation of their respective organizations and approved by the Town Council for the unexpired term. The Parks and Recreation Committee shall have all the powers granted to Parks and Recreation Committees by New Hampshire State Law.

## **Article III –Duties**

### **Section 1—Election of Officers**

The Officers of the Committee shall be a chairperson, vice-chairperson, and a secretary. These officials shall be elected by the Committee each year at the June meeting or as vacancies occur.

### **Section 2—Chairperson**

The Chairperson shall preside at all meetings of the Committee. The Chairperson shall be ex-officio, a member of all sub-committees. The chairperson shall perform such other duties as may be designated by the Committee and/or the Town Council.

### **Section 3—Vice-Chairperson**

The vice-chairperson shall, in the event of absence, disability, or resignation of the Chairperson, possess all powers and perform all duties of that office.

### **Section 4—Secretary**

The secretary shall keep the minutes of the Committee meetings, keep copies of all correspondence, and ensure that copies of the minutes are distributed to the Parks & Recreation Director and the Town Clerks Office for the permanent file. ~~shall prepare the agenda in consultation with the Chairperson, and mail the agenda to each member one week preceding the regular monthly meeting.~~



### **Section 5—Members**

- A. Members and alternates shall be responsible for attending the Committee meetings and perform such duties as may be designated by the Committee.
- B. Members and alternates shall make recommendations regarding recreation programs most appropriate for all ages and interests of residents of Merrimack.
- C. Members and alternates shall deal officially with the recreation staff only through the Director.
- D. Members and alternates shall make periodic tours of the town facilities.
- E. Members and alternates are encouraged to attend activities and programs that the department is sponsoring.

### **Section 6—Sub-Committees**

- A. The Chairperson may appoint such sub-committees as may be authorized. These sub-committees shall be appointed in accordance with the real need on a continuing basis.
- B. The Chairperson and the Director of Parks and Recreation Department shall be, ex-officio, members of all sub-committees, and as such, shall be notified of all meetings.

## **Article IV—Meetings**

### **Section I—Meetings**

- A. Regular meetings of the Committee shall be held the third Wednesday of each month unless otherwise ordered by the Chairperson
- B. Special meetings may be held at any time or place at the call of the Chairperson or upon the request of two members of the Committee.
- C. Two (2) unexcused absences of any member in the town's fiscal year will result in a membership review by the Committee. A determination will be made as to a recommendation for their resignation or termination. Notification will be given to the Town Council of the vacancy.
- D. Six (6) Committee members and alternates shall constitute a quorum at regular and special meetings.

## **Article V—Amendments**

### **Section 1 – Amendments**

These By-Laws may be amended at the June meeting by a majority vote, provided notice of all proposed amendments has been submitted in writing one month before the June meeting. Any changes to the By-Laws must be approved by the Town Council.





Adopted by Town Council on July 12, 2007



professional office, retail, and assisted living uses.

The Public Works Department will be hosting an informational meeting on Monday, August 25th for the Sunset Shores proposed sewer/water extension project. The meeting is from 6:00 - 8:00 p.m. in the Town Hall Memorial Room.

Work on the Naticook Phase II drainage project is scheduled to begin on Monday, August 25th. The work will involve extending the Naticook drainage system that was installed in 2011 onto the abutting roads (Danforth, Hassel, Hutchinson, and Cummings). Work is expected to take 3 - 4 weeks.

**Consent Agenda** - None

**Old Business** – None

**New Business**

**2. Consideration of Donation to the Merrimack Police Department**

*Submitted by Captain Dudash*

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$25.00 from Mrs. Langley to the Merrimack Police Department to be used towards the PACT Program, pursuant to Charter Article 8-15 and RSA 31:95-b.

Chief Mark Doyle spoke of receiving a card from Mrs. Langley. Mrs. Langley was in a bind at the beginning of the month when she locked her keys in the car. John Dudash, one of the Patrolmen, came to her rescue and bailed her out of her situation. To the fortunate surprise of the department, Mrs. Langley sent in a donation in the amount of \$25 to the Merrimack Police Department, which they believed would most appropriately be put towards funding the Police and Children Together (PACT) Program, which is designed to teach kids in the 5<sup>th</sup> grade at the upper elementary school the inherent dangers associated with peer pressure. He expressed gratitude to Mrs. Langley for her donation.

**MOTION** made by Councilor Mahon and seconded by Councilor Woods to accept the donation from Mrs. Langley in the amount of Twenty Five Dollars (\$25.00) and authorize the expenditure towards the PACT Program pursuant to Charter Article 8-15 and RSA 31:95-b. **MOTION CARRIED** 7-0-0

**3. Review of Parks and Recreation Bylaws**

*Submitted by Parks and Recreation Director Matt Casparius*

The Town Council to consider the Parks and Recreation Committee's recommended changes to the Committee's Bylaws.

Chairman Harrington stated her belief the item is that of a housekeeping measure to ensure the Bylaws are in compliance with the Charter.

Chris Christensen, Chairman, Parks and Recreation Committee, remarked the Committee is supposed to review and submit any changes to the Bylaws in June. The Committee has not undertaken the process in several years. At this time, the Committee has a few alternate members from the public; however, do not allow alternate members to be identified from outside organizations. He remarked it

is truly a committee of committees; there is a member from each of the following; high school, Merrimack Youth Association (MYA) , Senior Citizens Club, Town Council, and School Board. Although the issue of ensuring an alternate member from the Town Council and School Board has been addressed, the identification of alternate members from each of the other committees has not.

Another issue of significance is related to the ability to obtain a quorum. At present a quorum is six (6). Because the Committee is short on membership and/or because the committee is not allowed to have the desired alternates, a problem with obtaining a quorum to conduct meetings has been a problem in the past. At present, there are seven (7) active members. One of the proposed amendments is to identify a quorum as four (4). Mr. Christensen stated his belief a quorum is established by the Council, e.g., not identified in RSA, Charter, etc.

Vice Chairman Mahon suggested revising the language proposed on page 3, under Section I – Meetings, D as follows: Four (4) Committee members ~~and~~ or alternates shall constitute a quorum at regular and special meetings. Vice Chairman Mahon remarked the quorum is typically something the Committee decides or may be defined in Statutes. Mr. Christensen responded he is unaware of a statutory definition. Vice Chairman Mahon provided the example of a majority of the members appointed constituting a quorum.

Town Manager Cabanel remarked she and Matt Casparius, Director, Parks and Recreation, had the opportunity to discuss the issue. The desire is for the language of the Bylaws to mimic that of the Charter. The Charter reads in part “There shall be a Parks and Recreation Committee consisting of twelve (12) residents of the Town of Merrimack. The Town Council shall appoint seven (7) members of the Committee for three (3) year terms and two (2) alternates who will serve for a period of three (3) years each. One (1) Town Council member shall be appointed annually to serve as an ex officio member. In addition, four (4) regular members shall be recommended from Merrimack organizations. There shall be one (1) voting member from each of the following organizations: the Merrimack Youth Association (MYA), the Senior Citizen Club, the School Board, and a representative from the Merrimack High School student body. Such organization members shall be recommended by their organization and, if approved by the Town Council, they shall be appointed for a one (1) year term. Four (4) alternate members, one from the each named Merrimack organization, may be recommended and appointed in the same manner as their regular appointed members.”

She stated her interpretation of the Charter language to indicate a quorum would be seven (7). She remarked she is unaware of whether or not there exists a State Statute that defines a quorum for the Committee. The Charter does not specifically provide that definition.

Director Casparius commented there are 12 positions as designated by the Charter; however, some of the positions are vacant. In that scenario would the quorum be 7 based on the 12 total positions available or would be it, for example, 5 if only 8 of the positions were filled? Councilor Dwyer asked for clarification if only 5 were present would it be an official meeting. Vice Chairman Mahon responded those present could engage in discussion, but could not take any official action. Vice Chairman Mahon questioned whether 12 positions are necessary.

Mr. Christensen commented one of the reasons behind the request for identification of a quorum as four (4) is the situation where a quorum is not present to conduct an official meeting and any discussion that occurs is not captured in meeting minutes. Vice Chairman Mahon stated he has run

into that scenario in the past. The way it was addressed was in the preparation of minutes that stated there was no quorum present; however, the following was discussed although no formal action was taken. That provided the desired transparency.

Vice Chairman Mahon questioned again the need for the current committee size. He suggested the Committee engage in a discussion of the need, and come back to the Council with a recommendation. Mr. Christensen stated it would be brought up at the next meeting. He commented the committee has managed with a smaller membership for quite some time. He noted when dwelling into more specialized items they have had increased participation. Vice Chairman Mahon suggested the possibility of a smaller core group and formation of ad hoc committees when addressing special interest items.

Vice Chairman Mahon spoke of the increasing difficulty in securing volunteers to serve on the numerous boards/committees/commissions. He remarked earlier in the evening the Council discussed the difficulty filling the positions on the ZBA. He remarked there may well come a point where it will become necessary to change the Statute in terms of how appeals are addressed based on the inability of individuals to volunteer due to the commitment of time required. It may be there comes a time when specialists have to be hired to address the need. Chairman Harrington commented that would result in the loss of local autonomy.

Vice Chairman Mahon suggested the opportunity exists to take a smaller step now with a non-quasi-judicial board; review other governance models for operation. Councilor Woods stated his belief the quorum number is the quorum number. He suggested, until a more concrete solution is reached, the quorum should remain as it is; seven (7).

Chairman Harrington stated agreement with the suggestion that consideration be given to amending the Charter language. In the meantime, the current quorum could remain. If the membership is defined differently, the quorum would automatically change. Councilor Dwyer suggested the situation/reality has changed since the time the Charter language was written, and consideration should be given to a Charter amendment. He stated agreement with a reduction in the total number of positions.

Vice Chairman Mahon suggested Section 4 – Secretary, be further amended by adding the following language at the end of the paragraph “in addition to the copy provided to and retained at the Town Hall”.

Mr. Christensen noted it would likely not be until the October timeframe that he would be able to come back before the Council with a recommendation from the Committee. Vice Chairman Mahon noted, should a recommendation be made for a Charter amendment, it would be necessary for the Council to be notified by the beginning of December. Chairman Harrington suggested the Town Manager work with the Committee to determine a date for the matter to be back before the Council.

Councilor Koenig question the “organization” that the representative from the Merrimack High School student body belongs to, e.g., Student Council, School Board, etc. Mr. Christensen stated the Committee receives the name of an applicant who is then appointed by the Council. Councilor Koenig remarked that individual does not belong to an “organization”. Mr. Christensen commented only in that the individual has to be a high school student. Councilor Koenig suggested that representative should be offered by some organization. Mr. Christensen stated the applicant is presented by School



Administration. Councilor Dwyer commented he has been on the Committee for the past year, and has never known the representative from the high school to be in attendance, which speaks to the idea of reducing the required number of positions. Vice Chairman Mahon remarked, from his experience, the issue is the desire to have something to do to encourage attendance.

#### **4. Wasserman Park Dog Park – Fundraising**

*Submitted by Parks and Recreation Director Matt Casparius*

The Town Council to consider the Dog Park Subcommittee's request to use some of the existing funds in the dog park account to assist in their ongoing fundraising efforts, as recommended by the Parks and Recreation Committee.

James Gary Murphy, 17 Brick Drive, representing the Friends of the Merrimack Dog Park, stated the request to be for the Council to approve the expenditure of \$1,500 from the dog park fund. The desire is to utilize these funds to cover the cost of materials, etc. needed to conduct a three-tiered marketing/fundraising effort to raise the additional funds necessary for the completion of the dog park. In the first tier, major businesses in town would be sought out and provided a formal presentation inclusive of a letter of introduction, map of the dog park, program plan for continuation of the dog park, and a request for donation. The second tier would be to approach small businesses with a less formal presentation. The third would be a general mailing of approximately 2,500 brochures seeking financial support from residents of surrounding towns.

The hope is these efforts will result in donations in the area of \$25,000. The fund is \$25,000 - \$35,000 short of the needed funds to complete the entirety of the dog park plan.

Councilor Rothhaus questioned soliciting funds from residents outside of Merrimack. Mr. Murphy responded the intent of the mailing is to target Hollis, Milford, and other surrounding towns for donations. He spoke of individuals wishing to make use of the dog park who reside outside of Merrimack. Councilor Rothhaus suggested holding off on the third tier of the plan commented if there is good use within the Merrimack community, which he believes will be the case, it could be an over-burdening proposition to start drawing people in from other communities. Councilor Rothhaus spoke of a mailing utilized to solicit funds for the Abbie Griffin Park, which raised thousands of dollars.

Councilor Boyd commented to access Wasserman Park a permit is required that identifies the individual(s) as resident(s) of the Town of Merrimack. Mr. Murphy stated his understanding that is a requirement for the beach only. Chairman Harrington stated agreement. Vice Chairman Mahon stated agreement with the suggestion the mailing effort be placed on hold until the level of use, etc. is understood. He added, the Council has requested, in the past, a set of rules and regulations for how the dog park will operate and if there will be a funding mechanism developed to general revenue for maintenance. None of that information has come forward. Those were some of the items requested to come to an understanding of who would be allowed to utilize the park and under what circumstances.

Vice Chairman Mahon questioned how the names and addresses of 2,500 individuals residing outside of Merrimack would be obtained. Mr. Murphy stated the group has been working with Papergraphics on the issue. They have a database of about 2,500 individuals that requests for donations could be sent to. When asked what the database is based on, Mr. Murphy stated it to be dog owners in the surrounding areas.



## **ARTICLE VI**

### **ADMINISTRATIVE AND JUDICIAL BOARDS**

#### **6-1 ADMINISTRATIVE BOARDS / COMMITTEES / COMMISSIONS**

##### **A. Planning Board**

There shall be a Planning Board consisting of seven (7) members as provided by New Hampshire State Law. Six (6) of these members shall be appointed by the Town Council for terms of three (3) years, such terms to be staggered. One (1) Town Council member shall be appointed annually to serve as an ex officio regular member. The Town Council shall appoint one (1) Town Council member annually as the ex officio alternate member who shall serve in the absence or disability of the ex officio regular member. There shall also be three (3) alternate members appointed in the same manner as regular appointed members, except no more than one (1) alternate appointed member's term shall expire in a single year. The Town Council shall fill any vacancy for the period of the unexpired term. The Planning Board shall have all the powers granted to Planning Boards by New Hampshire State Law.

(Amended 04/8/08 Town Meeting - #6)

##### **B. Conservation Commission**

There shall be a Conservation Commission consisting of seven (7) members. Six (6) of these members shall be appointed by the Town Council for terms of three (3) years, such terms to be staggered. One (1) Town Council member shall be appointed annually to serve as an ex officio member. There shall also be three (3) alternate members appointed in the same manner as regular appointed members, except no more than one (1) alternate appointed member's term shall expire in a single year. The Town Council shall fill any vacancy for the period of the unexpired term. The Conservation Commission shall have all the powers granted to Conservation Commissions by New Hampshire State Law.

##### **C. Parks and Recreation Committee**

1. There shall be a Parks and Recreation Committee consisting of twelve (12) residents of the Town of Merrimack. The Town Council shall appoint seven (7) members of the Committee for three (3) year terms and two (2) alternates who will serve for a period of three (3) years each. One (1) Town Council member shall be appointed annually to serve as an ex officio member.

2. In addition, four (4) regular members shall be recommended from Merrimack organizations. There shall be one (1) voting member from each of the following organizations: the Merrimack Youth Association (MYA), the Senior Citizen Club, the School Board, and a representative from the Merrimack High School student body. Such organization members shall be recommended by their organization and, if approved by the Town Council, they shall be appointed for a one (1) year term. Four (4) alternate members, one from the each named Merrimack organization, may be recommended and appointed in the same manner as their regular appointed members.

3. Vacancies of Town Council appointed members shall be filled by appointment of the Town Council for the unexpired term. Vacancies of the other members shall be filled by recommendation of their respective organizations and approved by the Town Council for the unexpired term. The Parks and Recreation Committee shall have all the powers granted to Parks and Recreation Committees by New Hampshire State Law.

(Amended 04/13/10 Town Meeting - #8)

